

## REMARKS

Upon entry of the foregoing Amendment, claims 1, 3-6, 8-9, 12-24, 26-38, 40-42, 44-45, 48, and 55-56 are pending in the application. Claims 1, 3-6, 8-9, 12-24, 26-38, 40-42, 44-45, 48, and 55-56 have been amended. Claims 25, 39, 43, and 46-47 have been cancelled without prejudice or disclaimer. No claims have been newly added. Applicants believe that this Amendment does not add new matter.

Applicants hereby expressly reserve the right to prosecute the subject matter recited in the claims prior to the foregoing Amendment, or any other subject matter supported by the as-filed Specification, in one or more continuation applications. In view of the foregoing Amendment and the following Remarks, allowance of all the pending claims is requested.

### **REJECTION UNDER 35 U.S.C. § 103**

#### **A. CLAIMS 1, 3-6, 8-9, 12-28, 30-48, AND 55-56**

The Examiner has rejected claims 1, 3-6, 8-9, 12-28, 30-48, and 55-56 under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 6,547,136 to Sansone ("Sansone") in view of U.S. Patent No. 6,005,945 to Whitehouse ("Whitehouse"). Office Action, pages 2-38.

Applicants initially note that the rejection has been rendered moot with respect to cancelled claims 25, 39, 43, and 46-47. In addition, Applicants further note that independent claims 1, 15, 23, 28, and 33 have been amended as indicated above, and submit that the rejection is improper and must be withdrawn for at least the reason that the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of the claimed invention, as amended.

More particularly, Sansone and Whitehouse, either alone or in combination, do not disclose, teach, or suggest at least the feature of "retrieving the information stored for the postage transaction from the database in response to the postage-issuing computer system receiving a refund inquiry for the postage transaction, wherein the information retrieved for the postage transaction from the database includes the delivery status associated with the unique tracking identifier" and "refunding the postage transaction based on the delivery status

associated with the unique tracking identifier,” as recited in amended independent claim 1, for example. The Examiner alleges that “Sansone discloses . . . receiving a USPS refund inquiry” and “retrieving the postage transaction information from the database in response to the USPS refund inquiry, to determine whether to refund the postage associated with the postage refund inquiry . . . based on the status associated with the tracking [identifier] contained within the retrieved postage transaction information.” Office Action, pages 3-4.

Applicants disagree with the Examiner’s assessment for at least the reason that Sansone generally relates to a system that provides a “Merchandise Return Label” that includes pre-paid postage from a postage meter owned by a seller of goods, such that a buyer of the goods can return the goods to the seller in a mail piece carrying the “Merchandise Return Label.” However, contrary to the Examiner’s assertions, Sansone’s description of “the postage to mail the goods back to the seller” is not analogous to the claimed postage transaction refund for at least the reason that Sansone clearly states that the seller pre-pays the postage on the Merchandise Return Label (i.e., the buyer cannot reasonably be characterized as receiving a refund for postage that the buyer did not actually pay). In other words, the Examiner has erroneously equated the “common [practice] for a business to provide a buyer with free shipping with a return” with a refund for a postage transaction.

For example, in the former case, the relevant transaction involves the seller pre-paying postage for a mail piece that will carry goods returned by the buyer in order to provide the buyer with free shipping for the return, while the original cost of the returned goods is the only expense that the buyer incurs in the transaction. Therefore, the only entity in such a transaction that could even potentially be eligible for a postage transaction refund is the seller, whereas the “refund” that the buyer receives in such a transaction is for the original cost of the returned goods. In contrast, “refunding the postage transaction” in the manner recited in independent claim 1 relates to the actual postage rather than the contents of any mail piece that may carry the postage. For example, an end user that requests a postage indicium may provide a refund inquiry to a postage-issuing computer system because the postage indicium misprinted or the end user otherwise does not plan to actually use the postage indicium.

As such, amended independent claim 1 relates to techniques for determining whether or not to refund a particular "**postage transaction**," wherein the postage transaction may be refunded "based on the delivery status associated with the unique tracking identifier." For example, the delivery status may generally indicate whether the USPS has or has not delivered a mail piece carrying the unique tracking identifier, wherein a postage-issuing computer system may determine that the unique tracking identifier has not been used if the delivery status indicates that the USPS has not delivered a mail piece carrying the unique tracking identifier (i.e., meaning that the postage transaction associated with the unused unique tracking identifier can be refunded). On the other hand, if the delivery status indicates that the USPS has delivered a mail piece carrying that unique tracking identifier, the refund may be denied because the postage was actually used.

Thus, amended independent claim 1 generally relates to determining whether or not to refund a "**postage transaction**" based on the delivery status associated with a unique tracking identifier created in the postage transaction, whereas Sansone relates, at best, to techniques for providing free shipping on a mail piece that a buyer returns to a seller in order to obtain a refund for **goods** shipped in the mail piece. Accordingly, for at least the reason that the Merchandise Return Label described in Sansone only provides pre-paid postage that can be used to return goods to a seller with free shipping, Sansone does not disclose, teach, or suggest the foregoing features that specifically relate to refunding a postage transaction based on a delivery status associated with a unique tracking identifier created in the postage transaction.

Whitehouse fails to cure the foregoing deficiencies of Sansone for at least the reason that Whitehouse generally addresses refunds for postage transactions based on whether "an indicium with the date, meter number and serial number of the allegedly misprinted indicium" was received and processed by the USPS. However, amended independent claim 1 distinctly recites "a unique postage indicium" that is generated in response to a postage transaction request and "a unique tracking identifier" contained within "the unique postage indicium." In other words, amended independent claim 1 recites features for determining whether or not to refund a postage transaction based on a "delivery status associated with the unique tracking identifier," which "provides a mail piece tracking capability" within the USPS.

Thus, whereas Whitehouse describes determining whether or not to refund a postage transaction based on the status of a postage indicium associated with the postage transaction, amended independent claim 1 determining whether or not to refund a postage transaction based on "the delivery status associated with the unique tracking identifier" that indicates whether the USPS has or has not delivered a mail piece carrying the unique tracking identifier. For at least the reason that Whitehouse does not describe refunding postage transactions based on a "delivery status," Whitehouse fails to cure the foregoing deficiencies of Sansone.

Accordingly, for at least the foregoing reasons, Sansone and Whitehouse, either alone or in combination, fail to disclose, teach, or suggest each and every feature of amended independent claim 1. The rejection is therefore improper and must be withdrawn.

Independent claims 15, 23, 28, 33, and 48 have been amended to include features similar to those set forth in amended independent claim 1. Claims 3-6, 8-9, 12-14, 16-22, 24, 26-27, 30-32, 34-38, 40-42, 44-45, and 55-56 depend from and add features to one of amended independent claims 1, 15, 23, 28, 33, and 48. Thus, the rejection of these claims is likewise improper and must be withdrawn for at least the same reasons.

#### **B. CLAIM 29**

The Examiner has rejected claim 29 under 35 U.S.C. § 103 as allegedly being unpatentable over Sansone in view of Whitehouse and further in view of U.S. Patent No. 5,008,827 to Sansone et al. ("Sansone et al."). This rejection is improper and must be withdrawn for at least the reason that the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of the claimed invention.

More particularly, for at least the reasons discussed above, Sansone and Whitehouse, either alone or in combination, do not disclose, teach, or suggest at least the feature of "retrieving the information stored for the postage transaction from the database in response to the postage-issuing computer system receiving a refund inquiry for the postage transaction, wherein the information retrieved for the postage transaction from the database includes the delivery status associated with the unique tracking identifier" and "refund[ing] the postage transaction based on the delivery status associated with the unique tracking identifier," as

recited in amended independent claim 1, and as similarly recited in amended independent claim 28, for example.

Sansone et al. fails to cure the foregoing deficiencies of Sansone and Whitehouse for at least the reason that the Examiner has only relied upon Sansone et al. as allegedly disclosing a system that can be used to track an article through a delivery system. As such, even assuming *arguendo* that the Examiner has correctly characterized Sansone et al., which Applicants do not concede, tracking an article through a delivery system in and of itself does not fairly disclose, teach, or suggest employing such tracking information in the context of determining whether or not to refund a postage transaction. For at least this reason, Sansone et al. fails to cure the foregoing deficiencies of Sansone and Whitehouse.

Accordingly, for at least the foregoing reasons, Sansone, Whitehouse, and Sansone et al., either alone or in combination, fail to disclose, teach, or suggest each and every feature of amended independent claim 28. Claim 29 depends from and adds features to amended independent claim 28. Thus, the rejection of claim 29 is improper and must be withdrawn for at least the foregoing reasons.

## CONCLUSION

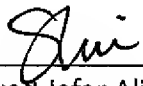
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action. As such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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